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Office of the Secretary  
Federal Communications Commission  
1919 M Street NW  
Washington DC 20554

Formal Comments on MM Docket No. 95-176 Closed Captioning

I hope I can help you understand why people with a hearing loss feel angry and betrayed when we're told we will have to wait another eight to ten years to get access to new non-exempt programming. Can we tell the cable company we will pay 25% for the next two years, 50% for the two after that, then 75% etc? All these years we've been paying 100% for a choice of less than 10%.

At 8 pm February 10, 1997, my family sat down to watch the Westminster Kennel Club Show on USA Network just like we did last year and the year before. While we waited to see who would sponsor the captions, we noticed that it was available in Spanish so felt pretty sure that if they did this for immigrants who speak Spanish then surely deaf and hard of hearing Americans would be able to watch. Then we realized that they were talking but there was still no captions. We were forgotten or deliberately left out.

Besides not being able to watch something I love I'm now in the horrible position of having my hearing family denied the same pleasure just because of me. Are they supposed to banish me from the room while they enjoy the show? My husband went into the living room to listen to his stereo, my daughter went upstairs to use the computer, and I flipped through the channels trying to find something with captions.

This scenario is played out again and again. People who rely on captions never know when we will lose access to a show that was previously captioned. Old favorites show up in syndication without their captions. PBS stations show classic movies without captions when captioned versions are available for less than \$20 at the local video store. Ironically, the USA Network is better than most and has several programs with captions.

Do you realize that some of the information in FCC News Report CS-97-2 is incorrect? It is disturbing that regulations may be based on figures that are wrong. I don't know if "nearly 30% of the prime time programming on the top 20 basic cable networks" is captioned because I don't know which are considered the top 20 but I have my doubts that it's that high. However, I do know that "over 60% on the top premium networks" is NOT closed captioned. Just sit down, like I do every week, and mark the movies in your program guide. Although HBO now does about 60% captioning, and Cinemax is

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close to 50%, The Movie Channel, Disney and Showtime do much less - 30% at most. What is especially baffling is that often a movie is captioned on video but the premium channels show it without captions. Did the cable industry provide the 60% figure?

Here are my comments about the proposed rules.

28. I agree that ultimate responsibility for compliance should be placed with video programming providers. However, while it's true there is a direct link between consumers and their video providers, people with a hearing loss have little influence. Typically, cable companies and video stores have no idea how many of their customers depend on captions. They just assume it's a small number and pay no attention to captioning. Cablevision of Loudoun told me outright they had so few customers with a hearing loss that it was not worth spending money to caption programs they produce for local access channels. When I asked them how many customers had a hearing loss, of course they had no idea but said they knew it was a small number because they only got a few complaints about captions!

30. Captioning at the production stage is obviously the most efficient way.

41. **A transition schedule of 8 or 10 years for new non-exempt programming is not acceptable.** The Telecommunications Act requires access for people with disabilities. I cannot believe that Congress expected us to wait 10 more years to see new programming. It may take longer to caption library programming but there is no reason why 50% of new non-exempt programs cannot be captioned within a year and 100% within two years. Captioning has been around for over 20 years. It is inexpensive, easy to provide and only a tiny fraction of the budget for new programs.

42. Since all new programming should be captioned within two or perhaps three years maximum I would let the providers decide which programs to do first.

43. **All non-exempt cable channels should provide the required percentage of programs with captions.** It is not fair to let some channels off the hook because other channels are doing a good job. Cable systems should definitely not be allowed to meet their obligation simply by counting captioning on broadcast stations. This is not fair to the broadcast networks that generally do a fair amount of captioning and the whole point is to give caption dependent viewers the same options as everyone else.

44. The percentage of programming that must be captioned should apply to each program service or channel. As noted above (28) the ultimate responsibility is with the provider but if a network is accorded "must carry" status then it also has the responsibility to comply with the captioning requirement. In other words, if the cable provider is forced to carry that station it is not fair to make them do the captioning.

45. A month seems like a reasonable period to determine the percentage of programming with captions on any given channel. As noted above (43) percentages should be counted per channel and not on a system-wide basis.

47. It is only common sense to require that a provider transmit programming with captions even though it has already met any percentage requirement. Reformatting is inexpensive and should not be used as an excuse not to transmit the captions.

55. **Very important - once a program has been captioned all copies of the program must be equally captioned.** Captions, and the people who depend on them, should be treated with the same respect as sound. Sound stays with a program and so should the captions. Broadcasters don't have the option of showing a program without the sound!

56. **Previously published captioned programming should be transmitted with captions immediately upon the effective date of the rules.** This is a no-brainer so let's just do it. I agree with NAD comments that captioning of library programs should start within six months of the effective date and that three to five years be allowed for completion of all library programming not subject to the undue burden exemption.

57. **Captioning costs will not prevent an older program from being shown.** Cable channels rerun shows many times so the cost of captioning say an episode of "Mission Impossible" would be spread over the hundreds of times that each episode is shown.

58. **The FCC seems overly concerned about reducing the amount and variety of programming options available to all viewers.** What about us? I thought the whole point was to finally get access to what everyone else takes for granted. Our options are already extremely limited so why continue to treat us as second class citizens (or customers) in this one area where we could have equal access?

71. The definition of economic burden should be based on a combination of factors but, like the ADA, consideration for exemption should take into account the revenue base of the parent company. **A small cable company or channel should NOT be allowed to declare itself a small financially burdened company when it is actually owned by an enormous financially successful corporation.**

74. **Cable access programming is too important to be given a general exemption.** Captioning of government information could be paid for by the local government. Some communities pay for captioning of town and school meetings by levying a small (about 10 cents) tax on monthly cable bills. College courses broadcast over cable networks should be captioned by the school since this is covered by earlier education laws. We need some enforcement of these equal access to education laws.

81. Public television stations should caption fundraising programs out of pure self interest. Many of us have stopped supporting local PBS station because we are sick and tired of being left out. If volunteers answer the phone banks, why don't they recruit volunteers to do captioning. Highlights only are not acceptable. It is insulting to expect us to be satisfied with a few crumbs of attention.

82. **There should be no automatic exemption for programming that is primarily music. Hearing people should not make assumptions about what people with a hearing loss want to view.** Many hard of hearing people can still hear the music even though they rely on captioning for the words. I still love ballet and can "hear" the music of old favorites in my head so it is very distressing when the spoken introduction, dancer interviews and comments are not captioned. It would cost very little to caption these but it would mean so much to people who cannot hear. Lyrics to background music add a great deal to the enjoyment and understanding of a movie or television show. They should always be captioned unless it would interfere with the dialogue.

83. Weather programming is too important for an automatic exemption.

92. **I agree with NAD that the Commission should require a high threshold for programmers to demonstrate undue burden.** They will benefit from more viewers if they caption their programs and their advertisers will get more customers.

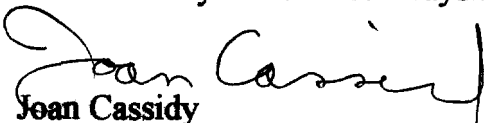
110. **Programming with closed captions must be delivered in a complete manner.** It should be treated with the same respect as sound. Providers do not cut off the sound at the end of a show or leave out huge chunks in the middle.

111. Spelling is important. There is no excuse for mistakes in pre-recorded programs.

114. **Who will decide what is adequate?**

121. **Electronic Newsroom captioning is not acceptable.** It's like being offered only part of a meal. We are tired of being punished because we have a hearing disability.

131. Reading these figures it seems like almost every cable system in the county is deemed a small operator. Does this mean they will all get an automatic exemption even if they are actually owned by a very large corporation? My cable company tells me they are too small to pay for captioning and then they tell me policy is set by the head office. They want it both ways..

  
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